

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Senate Bill (SB) 1341, Personal Property Retention (CalWORKs Program)

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 11, 2012, as follows:

Office Building # 8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 11, 2012.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of no substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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## CHAPTERS

The CDSS Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards Manual, Division 42 (Nonlinking Factors of Public Assistance Eligibility), Chapter 42-200 (Property), Section 42-213 (Property Items to be Excluded in Evaluating Property Which May be Retained); and Division 44 (Standards of Assistance), Chapter 44-200 (AU Composition and Need), Section 44-211 (Special Needs in CalWORKs).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law imposes limits on the amount of income and personal and real property, including savings accounts, that an individual or family may possess in order to be eligible for aid under the CalWORKs program, but authorizes an eligible family to retain savings and interest thereon for specified purposes.

Existing law provides for the payment of an allowance for nonrecurring special needs after a family has used all available liquid resources, both exempt and nonexempt, in excess of \$100.

Senate Bill (SB) 1341 (Chapter 485, Statutes of 2008) expands the scope of purposes for which eligible savings may be used to include costs associated with securing permanent rental housing or to make rent payments to overcome an episode of homelessness. SB 1341 also exempts funds deposited into an individual's specified restricted account when determining eligibility for a special needs payment.

These proposed regulations amend specific provisions in the CDSS MPP that regulate personal property to be excluded while receiving benefits under the CalWORKs Program.

The Department anticipates that these proposed regulations will benefit CalWORKs Program participants by allowing them to use monies from restricted accounts in order to secure a place to live or make rent payments to overcome an episode of homelessness.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 1341, as well as with existing state regulations.

## COST ESTIMATE

1. Costs or Savings to State Agencies: Minor costs absorbed.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
4. Federal Funding to State Agencies: Minor costs absorbed.

## LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to allowing an individual to use funds in a restricted account to avoid homelessness and exempts funds deposited in that restricted account when determining eligibility for a special needs payment.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefit of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment is that CalWORKs Program participants will benefit from this regulatory action by allowing families to use their restricted account funds in combination with their Homeless Assistance Program (HAP) benefits to make rent payments to avoid an episode of homelessness or secure permanent housing.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives than the one proposed because there were no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 11155.2, Welfare and Institutions Code. Subject regulations implement and make specific Sections 11155.2 and 11450, Welfare and Institutions Code.

#### CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

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